UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.122
21 March 1995

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Fifth session

SUMMARY RECORD OF THE 122nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 21 January 1995, at 3 p.m.

Chairperson: Mrs. BADRAN

CONTENTS

Consideration of reports submitted by States parties under article 44 of the Convention

Initial report of Romania (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.94-15288 (E)

The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 5) (continued)

Initial report of Romania (continued) (CRC/C/3/Add.16, HRI/CORE/1/Add.13)

1. The CHAIRPERSON invited the delegation of Romania to continue consideration of the points raised in the list of issues to be taken up in connection with the consideration of the initial report of Romania (CRC/C/5/WP.5), and in particular questions 3 and 4 of the section on "Basic health and welfare".

"Basic health and welfare

"Arts. 6, para. 2, 23, 24, 26, 18 para. 3 and 27 paras. 1-3 of the Convention

"3. What is the present situation for children with HIV-infection? What are the measures taken to prevent discrimination against such children? To what extent is prevention of such infection now successful, particularly in the institutional context?

"4. Describe steps taken to reduce the high number of abortions."

2. Referring to question 3, Mr. OPROIU (Romania) said that unfortunately AIDS among children was one of the terrible legacies of the pre-revolutionary period, when Romanian paediatricians in their efforts to reduce infantile mortality had carried out numerous blood transfusions using blood which had not been tested for the human immunodeficiency virus (HIV). On 1 October 1993, the number of children in Romania up to the age of 14 suffering from AIDS had been 2,376 and more than half of them had since died. Romania was planning to hold a national conference in February 1994 on the fight against AIDS in accordance with WHO recommendations. Many preventative measures had been taken to curb HIV. They included putting an end to HIV transmission through blood transfusions by systematically checking all donors, and the almost total elimination of nosocomial transmission by the introduction of disposable syringes, a sustained campaign to inform the public about the transmission pathways of the disease and methods of prevention, free distribution of condoms, access to confidential HIV tests in each district and in six laboratories in Bucharest, and the publication and distribution of educational material.

3. Turning to question 4, he said that abortions created many social and moral problems throughout the world. Existing legislation ranged from a total prohibition of termination of pregnancy (or even the use of contraceptives) to permissive attitudes which allowed total freedom to chose an abortion. In Romania, reasons for voluntary termination of pregnancy included socio-economic factors, the absence of effective contraception and the general rejection of the statutory restrictions imposed during the traumatic years of

pro-birth demographic policies. In such difficult economic conditions, numerous measures had been taken to limit the practice of abortion, including educational programmes conducted through the media to promote modern contraceptive methods, the training of medical and nursing staff to provide specialized care in areas of human reproduction and family planning, the provision of a range of affordable contraceptives and the establishment of a modern national family planning network. A coordination centre under the Ministry of Health was responsible for the supervision of 11 human reproduction and family planning health centres and 230 local branches. That network had been set up with the help of funding from the World Bank. Other units had also been set up with funding from the PHARE programme, WHO, UNFPA and NGOs concerned with family planning. In 1993, the World Bank had allowed the import from the United States of contraceptives to the value of US$ 300,000 and plans had been made for the import of contraceptives directly by the pharmaceutical network.

4. The CHAIRPERSON invited the members of the Committee to put questions on the points referred to by Mr. Oproiu under the section "Basic health and welfare".

5. Mr. MOMBESHORA wished to know at what age a child had the right to consult a doctor or undergo surgery without its parents' consent. He was very concerned by reports that organs had been removed from children for research or sale. He also wished to know whether there was a system of medical check-ups for school-age children as an extension of the system established for children up to the age of three. It was also unclear how the anti-AIDS programme was implemented in communities in Romania. Given that 90 per cent of children suffering from AIDS had been infected through blood, were batches of blood checked for contamination? Paragraph 132 of the report submitted by Romania revealed serious shortages of antibiotics and other drugs, syringes, etc. What had been done to remedy that situation? What percentage of the drugs used in Romania were produced in the country, and were imported drugs subject to quality controls? Further information was needed on primary health care programmes, the allocation of resources and the implementation of those programmes at central and local levels. How did Romania plan to achieve the targets set under the programme "Health for all by the year 2000", bearing in mind all the problems faced by the country in the area of health. Lastly, with regard to handicapped children, what measures had been taken to enable them to live normal lives?

6. Mrs. SARDENBERG said that, although infant mortality had declined slightly in Romania thanks to the Government's efforts, there were regional disparities due probably to ethnic or cultural factors. She wondered whether the Government had introduced or was planning specific programmes aimed at eliminating those disparities. She also wished to know whether it was possible to obtain the written document describing Romania's national plan of action in the area of health so as to provide the Committee with an overall view of the situation and the main objectives.

7. On the subject of AIDS, Mr. OPROIU (Romania) said that Romania's national multi-sectoral programme was based on community participation. Local

non-medical administrations, that is town councils, played a very active role in the fight against AIDS and in prevention both in terms of education and of finance. The national conference on AIDS which was to be chaired by the Romanian President would contribute to that multi-sectoral cooperation.

8. With regard to the supply of antibiotics needed to treat AIDS, domestic production satisfied almost 70 per cent of Romania's national requirements for drugs, including antibiotics. Only 30 per cent was imported, apart from antibiotics (such as cephalosporin and vancomycin). Every batch manufactured in Romania underwent quality control in accordance with the physical and chemical standards laid down in the Romanian Pharmacopoeia (10th edition, September 1993).

9. Primary health care was one of the basic strategies of the Ministry of Health. Before the revolution, primary health care had been provided only by hospitals which, unfortunately, had been inefficient. Primary care had now been boosted and was gradually becoming independent of the hospitals. Medical practitioners were at present making great efforts to provide care for adults and children at the grass-roots level, primary health care centres had been set up in rural areas, and doctors' salaries were to be increased by three or four times under a draft law that had been drawn up. Moreover, primary health care was part of the strategy of "Health for all by the year 2000".

10. Turning to the question of infant mortality, he said that prevention was also one of the objectives of the multi-sectoral strategy adopted in Romania. Infant mortality was very high in the southern part of the country where the standard of living was very low, but there were now plans to build attractive housing to encourage doctors to settle in those areas. The presence of doctors on the spot would eventually lead to the eradication of the acute respiratory infections which were the principal causes of death among children.

11. Mrs. LAUDATU (Romania), referring to the measures taken to help the handicapped, said that specialized schools in Romania helped handicapped children to lead a near-normal social life. However, such children were also affected by the poor economic state of the country. Protected workshops where they could be taught a trade had been established and a programme of action to help handicapped children was also being implemented. However, the protection of children in Romania was the responsibility of several ministries and coordination was very difficult. The general health of children living in institutions had greatly improved. Mortality and morbidity rates among children in institutions had also declined, unlike infant mortality in families.

12. The CHAIRPERSON invited the members of the Committee to put questions on the sections "Education, leisure and cultural activities", "Special protection measures" and "Children belonging to a minority or an indigenous group" in the list of issues to be taken up in connection with the consideration of the initial report of Romania (CRC/C.5/WP.5), namely:

"Education, leisure and cultural activities

"(Arts. 28, 29 and 31 of the Convention)

"1. What portion of the national budget is reserved for education and which portion of it is allocated to primary compulsory education? What are the major items in the education budget?

"2. Please provide statistical and other information disaggregated by gender, rural/urban areas and children belonging to minorities on the level of school enrolment.

"3. What is the real cost for the family of having a child in school at the different levels? What is done to allow for children from poor families to continue their education?

"4. What measures are taken to improve the quality of education and teaching?

"5. Please provide information on the integration of the subject of human rights into formal and non-formal education.

"Special protection measures

"Children in conflict with the law

(Arts. 37, 39 and 40 of the Convention)

"1. Please indicate progress made in adopting legislation on refugee children (para. 147 in the report). Please provide information on the application of article 22 of the Convention.

"2. Please provide detailed information on the system of administration of juvenile justice on the following questions:

- Arrest, detention or imprisonment as a measure of last resort and for the shortest possible period of time;

- The number of children deprived of their liberty and the reasons why;

- The possibility of prompt access to legal assistance and to quick procedures for challenging the legality of the deprivation of liberty before a court or other competent, independent and impartial authority;

- Measures taken to implement all aspects of article 40 of the Convention.

"3. Please provide also further information on the treatment of young law offenders and, in particular, on the following questions:

- What types of institutions exist for the custody of young law offenders and what specific official rules are there for their treatment?

- What opportunities are there for contact with relatives?

- How are the conditions in such institutions monitored?

- Are there complaint procedures in cases of ill-treatment?

- What education and health facilities are there in these institutions?

- What measures are taken for the physical and psychological recovery and social reintegration of children in conflict with the law (art. 39)?

- Are personnel in these institutions as well as judges, lawyers and law-enforcement personnel trained about the provisions of the Convention and about international rules concerning the administration of juvenile justice?

"Children in situations of exploitation

"(Arts. 32, 33, 34, 35, 36 and 39 of the Convention)

"4. Please provide information on penalties or other sanctions to ensure the effective enforcement of article 32 of the Convention, including information on the development of a system of supervision such as inspections. Please also clarify the apparent lack of consistency regarding the minimum age of employment between the Constitution and the Labour Code.

"5. What is done to protect children from the use of drugs and other toxic substances?

"6. What measures are taken against child prostitution?

"Children belonging to a minority or indigenous group

"(Art. 30 of the Convention)

"7. Please provide information on the steps taken to encourage school enrolment among children from the Roma minority."

13. Mr. KOLOSOV said that he would appreciate clarification of the communication that had appeared in the December 1993 bulletin of "Entraide universitaire mondiale", according to which new draft legislation in Romania included provisions prohibiting the teaching of history and geography, medicine, technology, agriculture and economics in minority languages. He also wondered whether the influential pioneer and communist movements, which had previously had branches throughout the country, had been replaced by other institutions. Those institutions had admittedly had their drawbacks, but they

had also organized beneficial holiday trips for young people and given them the opportunity to express themselves. Crime in Romania had risen sharply since their abolition, and he wondered whether the Government was taking measures to deal with the problem.

14. Mrs. SANTOS PAIS, referring to the administration of justice for minors, took it from the information presented in the report and the written replies that Romania had no special judicial system for young people. It was therefore her recommendation that such a system should be established, in keeping with the spirit of the Convention on the Rights of the Child and the main United Nations instruments in that area (the United Nations Standard Minimum Rules for the administration of Juvenile Justice ("the Beijing Rules"), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines)).

15. With regard to the issue of criminal responsibility, she noted that, in accordance with article 99 of the Romanian Penal Code, the age of criminal responsibility was fixed at 16 years or between 14 and 16 years if it could be shown that the young person concerned had wittingly committed the offence in question. What criterion was used in making that assessment? The information provided indicated that, as at 31 December 1993, 1,592 children were deprived of liberty and in pre-trial detention which suggested that deprivation of liberty was not regarded as a last resort in Romania; it was deplorable that children presumed innocent could be thus deprived of liberty. Furthermore, it was not clear from the information provided whether there was a clear distinction between the special re-education schools for children below the age of 10 whose conduct contributed to the spread of vice and the special schools which existed under criminal law provisions. Placement of children in re-education schools was likely to be regarded by the children concerned as a punishment rather than a means of re-education. The study by the research team coordinated by Ion Marin on "Certain socio-cultural causes of juvenile criminality in Romania" had shown that juvenile delinquency was frequently associated with factors other than a child's personality and intentions. The Magistrature was of particular importance in that connection, since law officers needed special training to allow them to make impartial and independent judgements. Her impression, however, was that in Romania many persons exercising that profession were from the military rather than trained lawyers. That was an unfortunate state of affairs. Judicial power should be exercised by persons who understood the law and could respect the child's dignity and personality.

16. Mr. HAMMARBERG expressed concern at the rising number of wards of the State in Bucharest and in other cities. Such children were easy prey for organized criminal groups and people selling drugs and volatile substances. What measures was the Government taking to protect children from such dangers and to make it a crime to incite children to use narcotics?

17. Furthermore, the authorities should not simply have street children picked up by the police, but should place greater emphasis on the activities of social workers acting in collaboration with the police, who also needed

training to deal with the social and psychological problems facing street children. The authorities needed to redouble their efforts to remedy those problems, even if their task was complicated by economic difficulties and the legacy of the previous regime.

18. Mrs. EUFEMIO said that, according to the report of the Special Rapporteur on the sale of children, procurers from abroad had been arriving in Romania to recruit young girls, while according to the same report, Romanian legislation was adequate, but the police and judiciary were lax in applying it. What did the Romanian Government intend to do to curb such practices?

19. Ms. MASON said that the report gave no information on the economic exploitation of children and child labour. Did that mean that those practices did not exist? Did Romania intend to ratify the ILO Conventions on the employment of children? Also, what measures did Romania intend to take to assist working children, particularly from the standpoint of health and safety and social welfare? She also wished for more detailed information on the situation and activities of street children.

20. Did the current economic crisis in Romania have repercussions on child prostitution and pornography? What measures had been taken by the Government to combat those problems? And what was the attitude of society to incest and violence towards children within the family? Had the Romanian authorities implemented any programmes, in particular in schools, to deal with those problems?

21. Mr. OPROIU (Romania) said that, since the disbanding of the Communist Youth Leagues, the organization of educational and artistic activities for young people had been the responsibility of youth homes operated by the Ministry of Education. A tourism office in the Ministry also organized low-cost winter and summer tourist activities for young people.

22. It was true that judges in Romania who dealt with children did not receive any special training, and the recommendations formulated by the Committee in that regard would be transmitted to the Ministry of Justice.

23. With regard to drug addiction, the authorities had taken very strict measures to control the distribution and use of volatile substances which were used in construction and in industry and which might be inhaled by young people.

24. Street children were found mainly in Bucharest and Constanza, most of them having left the children's institutions where they had been placed. Many NGOs were taking care of them and providing them with board and lodging. He added that the problem of street children had been exaggerated out of all proportion by the media.

25. Parliament was at present discussing the repeal of the article of the Penal Code prohibiting prostitution and homosexuality. However, child prostitution was still totally illegal and procurers were liable to harsh penalties. The Customs Department ensured that children were not taken abroad for prostitution. The employment of children under 15 years of age was also prohibited and offenders were tried and convicted.

26. The CHAIRPERSON invited the members of the Committee to present their final comments on the initial report of Romania (CRC/C/3/Add.16).

27. Mrs. BELEMBAOGO thanked the Romanian delegation for its open-mindedness, and hoped it would transmit the Committee's recommendations to the Romanian authorities.

28. The coordination of children's programmes implemented by various ministries had to be improved. However positive it might be, the establishment of the National Committee for Child Protection would not be enough if that body did not have the resources it needed to carry out its work. In that connection, the Romanian Government should take as much advantage as possible of the international support it was receiving in order to meet the genuine needs of children. It should also continue to bring its legislation into line with the provisions of the Convention and should, in particular, revise the Family Code.

29. There was still a great deal to be done to eliminate juvenile delinquency, especially through prevention, the training of suitable staff and the improvement of the social and judicial system. The State must not use the excuse of decentralization and privatizations to evade its responsibilities with regard to the protection of children.

30. Mr. HAMMARBERG paid tribute to the Romanian Government for the efforts it had made. It had had the enormous task of drafting new legislation, setting up a new administrative structure and trying to change people's behaviour and attitudes, and that was far from easy. At present, however, the Romanian Government should focus its social policy on the family and attach greater importance to education and social work.

31. The problems encountered by women, whether at work or in their daily lives, should be taken more carefully into consideration, as should the violence to which children were subjected within the family. The Romanian authorities should also make a detailed study of the reasons for the hostility between the Roma community and the rest of the population.

32. He hoped that the Committee's summary records and concluding observations would be made public and that, on the basis of those documents, the Romanian authorities would carry out a comprehensive analysis of activities for the benefit of children and of what had yet to be done. To that end, Romania might use the advisory services of the Centre for Human Rights.

33. Mr. MOMBESHORA thanked the Romanian delegation for its clear-cut answers to the questions of the Committee, which now had a good idea of the situation of children in Romania. Although he had taken note of the economic problems which hampered the implementation of some provisions of the Convention, he would like the Romanian authorities to place greater emphasis on the training of competent social welfare and health personnel, particularly with a view to family planning and action to combat AIDS.

34. Mrs. SANTOS PAIS said she welcomed the open-mindedness and sense of dialogue shown by the Romanian delegation, which she also thanked for having replied in writing to the Committee's list of issues in a document that had

been distributed. She would like the National Committee for Child Protection to associate national and international NGOs and the United Nations specialized agencies with its work and to expand its activities throughout the country, even at the departmental level.

35. Romania should continue to review its legislation in order to bring it fully into line with the provisions of the Convention and attach due importance to the principles of non-discrimination and respect for the best interests of the child, particularly as far as minority and disabled children were concerned. Steps should also be taken to ensure respect for the views of children, both in society and within the family, by bringing about a change of attitudes. Children should continue to be the focal point of discussions on the allocation of available public resources, especially in respect of social welfare programmes. Citizens had to be made aware of the rights of children, and tolerance and respect for the right to be different had to be developed. More in-depth training should also be given to persons who took care of children in specialized institutions, and the work of such persons had to be carefully monitored. When a decision was taken to place a child in a family, it was the child's best interests that must be taken into account.

36. She welcomed the fact that the Romanian delegation had undertaken to bring the suggestions on minorities made by the members of the Committee to the attention of the Prime Minister. The Committee would like minorities to be represented at the departmental level and in the Education Reform Council and the National Audiovisual Council. It would also like the effectiveness of the National Minorities Council to be strengthened and teachers to be given more intensive training in pluralism, tolerance, respect for various cultures and solidarity towards minority children, particularly Roma children. The Government should also provide more support for the activities of NGOs belonging to minorities, particularly in connection with literacy training and school enrolment. It should ensure that the media did not stir up racial hatred on the pretext of freedom of expression.

37. She was glad that the Romanian delegation was aware of the need to train judges specializing in the rights of the child and to strengthen the independence and impartiality of the judiciary. As far as child labour was concerned, the Romanian Government should ensure that the provisions of article 32 of the Convention were scrupulously respected, especially in respect of the minimum age of employment and the need to provide for penalties against persons who exploited children economically.

38. She would also like the report submitted by Romania, the summary records of the meetings at which it had been considered and the Committee's concluding observations to be the subject of a broad national debate.

39. Ms. MASON said that she welcomed the efforts made by the Romanian Government to improve the status of children, despite the problems resulting from the economic transition. One positive aspect of Romanian's ratification

of the Convention was that it intended to bring some of its legislation into line with the Convention. However, the Committee would be able to make an assessment of those intentions and the progress made only in five years' time, when the second periodic report was submitted.

40. She was concerned about several problems, including the lack of coordination between ministries, Government bodies and non-governmental organizations working to implement the Convention. Throughout the world today, the family assumed various forms and marriage was no longer its only foundation. The representative of Romania had referred to the marginalization of parents who raised their children on their own and of the children, who were, in turn, subjected to discrimination. She would therefore like the Family Code to be updated and brought into line with the Convention, particularly with regard to non-discrimination, in the best interests of children. During that process of legislative reform, the Romanian Government should not have any hesitation about going back, if necessary, to the pre-revolutionary legal system, which had been more suitable in terms of education grants.

41. She regretted that, despite existing legislative provisions, attention was not always paid to children who had complaints to make, for their views must be taken into account. With regard to incest and pornography, which the representative of Romania had claimed did not exist in his country, she suggested that the Government should be more vigilant and take the lead by adopting a policy of prevention. Social welfare and health services should also be established to take action against economic exploitation, a problem which might arise now that Romania was opening itself up to the market economy. She wished all the best to Romanian children and thanked the delegation of Romania for answering the Committee's questions.

42. Mrs. SARDENBERG thanked the Romanian delegation and said she supported Ms. Mason's recommendations. The current Government had had to deal with a very difficult situation and she welcomed Romania's accession to international human rights instruments as well as its decision to amend the Family Code and adopt a National Plan of Action. The areas in which the Government should intensify its efforts included the family and alternative care, health and health services and action to combat discrimination. In that connection, she suggested that radical changes should be made and innovative approaches adopted because discrimination affected minorities, disabled children and street children. The international community should, moreover cooperate with the Government, particularly through programmes launched by UNICEF, other United Nations agencies and the European Community, as well as through other bilateral projects.

43. Mr. KOLOSOV said that Romanian society was going through a transition period that had both positive and negative aspects. Children, being the most vulnerable, suffered the most as a result of inequalities and the decline in the standard of living. In his view, the measures taken by the Government were not always enough and he was concerned by the fact that the national children's organizations which had existed prior to the revolution had been dismantled but not replaced. The problems referred to in connection with special measures of protection had become more serious. He recommended that children should be given priority attention by the local and central

authorities in the legislative, budgetary and judicial fields. In that connection, he hoped that the Romanian delegation would engage in a fruitful discussion with the Government.

44. Mrs. EUFEMIO said that the Romanian Government should recruit more social workers and improve their training because, like doctors, professors and lawyers, they were needed if programmes for children were to be fully implemented, since the question of the rights of the child was a new one for social workers. Programmes of prevention should also be launched in order better to prepare men and women for marriage and their role as parents. Such programmes would go a long way towards reducing exploitation, abuses and negligence of which children were the victims within the family, especially when their parents separated; prevention was better than cure. Measures designed to solve such problems had been referred to at length in the initial report and during the dialogue with the delegation. In that connection, she recommended that a study should be made of the effectiveness of such measures, whose results should be evaluated as a means of combating violations of the rights of children. The report submitted by the Romanian Government was comprehensive and she welcomed the in-depth dialogue the Committee had had with the high level Romanian delegation.

45. The CHAIRPERSON thanked all members of the Committee for their comments and, summing up the discussion, said that a comprehensive policy for children had to be adopted and the efforts being made by government bodies and NGOs to implement the Convention should be coordinated by a national agency.

46. The Committee had expressed its concern about the legal system and the Family Code. However, legislation alone was not enough. Attitude had to be changed in order better to protect children. Attention must be paid to the institution of the family, the status of women and training in all professions that involved contact with children, and especially that of social workers. The problem of minorities had been referred to at length by all members of the Committee. Tolerance was required at all decision-making levels so as to promote solidarity among community groups. Disabled children should receive special assistance, and institutions which provided alternative care should be strengthened by the provision of financial and other resources. NGOs and United Nations agencies could play a useful role by cooperating with the Government - not only UNICEF, which had an office and a National Committee in Romania, but also WHO, UNESCO, ILO and the Centre for Human Rights through their technical, training and advisory services. Romania was, of course, going through a difficult period, but the Committee appreciated the efforts it was making and hoped that the Government would establish mechanisms so that privatization and economic liberalization would not harm children. Once the Government had been relieved of some of its economic concerns, she would like it to pay more attention to the social sector and social activities and look into the problems and concerns referred to by the Committee. She thanked the Romanian delegation for its frankness and said she hoped that the initial report and the Committee's concluding observations would be widely publicized in the country. She also hoped that the dialogue would continue during the next five years and that action would be taken on the problems referred to at the current session.

47. Mr. OPROIU (Romania) thanked the Committee for its assistance, its recommendations and its understanding of the activities his Government had been carrying out. The dialogue that had taken place had enabled him to take stock of all the problems to which the rights of the child gave rise in the social sector, in the areas of justice, education and health care and at the level of the community and administrative institutions. He was now aware of the efforts that had to be made for the benefit of children and of the need for better coordination of the activities of all agencies and institutions working in that field. In his view, the Committee's recommendations would enable the Romanian Government to carry out its work more efficiently.

48. The Romanian delegation withdrew.

49. The CHAIRPERSON said that the Committee would hold an informal meeting to discuss internal matters.

The meeting rose at 5.10 p.m.